



**CITY OF SOMERVILLE, MASSACHUSETTS
JOSEPH A. CURTATONE
MAYOR**

**CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR AND BOARD OF HEALTH**

**AMENDED EMERGENCY ORDER ESTABLISHING A
MORATORIUM ON EVICTION ENFORCEMENT**

WHEREAS, the Governor of the Commonwealth of Massachusetts has declared a State of Emergency on March 10, 2020 due to the virus that caused the Coronavirus 2019 (“COVID-19”) pandemic;

WHEREAS, the Mayor of the City of Somerville has determined that the threat of COVID-19 poses a present, real and imminent danger to public health, safety, and general welfare of the people of Somerville and as such declared a State of Emergency in the City of Somerville on March 15, 2020;

WHEREAS, the Somerville City Council has expressed support for a moratorium on evictions and the limiting of entry into tenant dwellings through Council Resolutions 209936 and 209943;

WHEREAS, COVID-19 is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety;

WHEREAS, the Governor of the Commonwealth of Massachusetts and the Mayor of Somerville have requested that residents stay home to prevent the spread of COVID-19, and the Governor has requested that the Department of Public Health issue a stay at home advisory;

WHEREAS, evictions would make it impossible for Somerville residents to stay at home by rendering them homeless and would therefore further increase the risk to public health and safety posed by COVID-19;

CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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WHEREAS, the eviction of commercial residents could decrease essential services necessary to meet the demands of this pandemic and would further reduce the ability of businesses to generate revenue, further destabilizing the community;

The Mayor and the Board of Health, pursuant to 310 CMR 11.05, 105 CMR 300.200, G. L. c. 111, § 122, and all other authorizing statutes and regulations, acting by and through its agent authorized under G. L. c. 111, § 30, hereby order:

1. Notwithstanding G. L. c. 186, G. L. c. 239 or any general or special law to the contrary, no landlord and/or owner shall serve or cause the service of notice of levy upon an eviction, or otherwise enforce an eviction upon a resident of Somerville, residential or commercial, during this public health crisis.
2. No landlord and/or owner shall access or seek to access a tenant's dwelling space for purposes such as general inspections, displaying units to potential future tenants and other non-critical activities. A landlord may only access a tenant's dwelling space to make repairs requested by the tenant, repairs required as a matter of law, or to respond to a life threatening emergency. A tenant may refuse access of entry for non-critical purposes or when adequate social distancing arrangements (at a minimum of six feet) have not been made.
3. This Emergency Order shall remain in effect until notice is given in writing, pursuant to the Board of Health's judgment that the public health emergency no longer exists and that this order is therefore rescinded.
4. Non-criminal disposition: Whoever violates any provision of this Order may be penalized by noncriminal disposition as provided in Massachusetts General Laws, Chapter 40, section 21D and the City's non-criminal disposition ordinance set forth in Somerville Code of Ordinances Section 1-11. If non-criminal disposition is elected, then any person who violates any provision of this Order shall be subject to a penalty in the amount of three hundred dollars (\$300.00) for each violation. Each day or portion thereof shall constitute a separate offense. If more than one, each section violated shall constitute a separate offense.
5. Criminal fine: In addition to other means of enforcement otherwise available for violations of this Order, whoever violates any provision of this Order may be penalized by a fine of up to \$1,000 pursuant to G. L. c. 111, § 122, upon an application for criminal complaint. Each day or portion thereof shall constitute a separate offense. If more than one, each section violated shall constitute a separate offense.

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6. The remedies listed in this Order are not exclusive of any other remedies available under applicable federal, state, or law.
7. The enforcing authorities for this Order are the Somerville Police Department and Inspectional Services Division.
8. If any provision of this Order or the application thereof to any person or entity or circumstance is determined to be invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Order or the application thereof to other persons, entities and circumstances.

Douglas Kress, Director of Health and Human Services
Acting Agent of the Board of Health

Joseph A. Curtatone
Mayor

Date: Feb 1, 2021



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